

Serial No. 09/623,852
Amendment Dated: August 18, 2006
Reply to Office Action Mailed: October 20, 2005
Attorney Docket No. 080437.49160US

Amendments to the Drawings:

The attached sheets of drawings are formal versions of Figures 1-5.

Attachment: Replacement Sheets

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 5-12 remain pending.

In the second paragraph of the Office Action the drawings are objected to as including unclear labels. Formal drawings are submitted herewith with clear labels. Accordingly, withdrawal of this ground of rejection is respectfully requested.

In the third paragraph of the Office Action the specification is rejected under 35 U.S.C. § 112, first paragraph. This ground of rejection is respectfully traversed.

The Office Action states that there is unclear, inexact or verbose terms used in the specification because the specification refers to a German patent. However, it is respectfully submitted that a discussion of a German patent is not by itself unclear, inexact or verbose. Moreover, the exact basis of this rejection is unclear. 35 U.S.C. § 112, first paragraph sets for three requirements for the claims, they must be supported by the written description, the specification should enable one skilled in the art to make and use the claimed invention and the best mode for practicing the claims should be disclosed in the specification.

The Office Action, however, has not identified any claims that are subject to this rejection, and accordingly, this rejection is improper and should be withdrawn.

If this ground of rejection is maintained, Applicants respectfully request a clarification of this ground of rejection, including an identification of which of the three requirements of 35 U.S.C. § 112, first paragraph is being relied upon and which claims are being rejected.

In the seventh paragraph of the Office Action claims 5-12 are rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-3 of U.S. Patent No. 6,934,775 to Peller et al. ("Peller"). This ground of rejection is respectfully traversed.

The Office Action acknowledges that claim 1 of Peller does not disclose the transmitting step of claim 5 of the present application. The Office Action, however, states that the granting bus access act of claim 1 of Peller performs the same functions as the transmitting step of claim 5 of the present application. Apart from this general assertion, the Office Action has not explained why these perform the same function. Moreover, claim 1 of Peller does not disclose or suggest the use of a hierarchical transmission sequence, and accordingly, cannot disclose or suggest that the "starting transmission has a start time which is solely a function of said hierarchical transmission sequence" as recited in claim 1 of the present application.

Claims 6-12 are patentably distinguishable for similar reasons. If this ground of rejection is maintained, Applicants respectfully request that the Office Action provide a detailed explanation of how claim 1 of Peller discloses or suggests the hierarchical transmission sequence recited in claims 5-12 of the present application.

For at least those reasons set forth above, withdrawal of this ground of rejection is respectfully requested.

In the ninth paragraph of the Office Action claims 5-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,995,512 to Pogue, Jr. ("Pogue"). This ground of rejection is respectfully traversed.

Applicants note that the Office Action dated September 12, 2003 rejected claims 5, 7-9, 11 and 12 for anticipation in view of Pogue and claims 6 and 10 as being obvious in view of Pogue. In response to Applicants' arguments as to the inapplicability of Pogue, the next Office Action withdrew this ground of rejection. Accordingly, claims 5-12 are patentably distinguishable over Pogue for at least those reasons set forth in Applicants' Reply filed November 7, 2003.

It is noted that the Office Action now relies upon different portions of Pogue to reject Applicants' claims 5-12, and accordingly, these new portions are addressed below.

Pogue does not anticipate Applicants' claim 5 because Pogue does not disclose the step of "transmitting information signals from said nodes with a hierarchical transmission sequence including the step of starting transmission of said information signals so that said information signals are independent of any one of said nodes and wherein said starting transmission has a start time which is solely a function of said hierarchical transmission sequence".

The Office Action cites Figures 6-8, col. 4, lines 13-32 and col. 9, lines 47-50 as disclosing the master controller assign time slots for each node in the frame, and states that this disclosure corresponds to the transmission of information signals with a hierarchical transmission sequence recited in claim 5. However, there is no discussion in the cited sections of a hierarchical transmission sequence. Accordingly, this section cannot disclose the transmission of information signals with a hierarchical transmission sequence as recited in Applicants' claim 5.

The Office Action states that the different bandwidth requirements of different nodes of Pogue discloses the step of starting transmission of the information signals so that the information signals are independent of any one of the nodes. However, merely having different bandwidth requirements is not the same as starting transmission of the information signals so that the information signals are independent of any one of the nodes as recited in Applicants' claim 5.

The Office Action also states that the disclosure of Pogue of allowing nodes to transmit in an assigned time slot discloses that the starting transmission has a start time which is solely a function of the hierarchical transmission sequence as recited in Applicants' claim 5. However, merely transmitting in an assigned time slot is not the same as having a start time that is solely a function of a hierarchical transmission sequence.

In view of the discussion above, if this ground of rejection is maintained Applicants respectfully request that the next Office Action provide a more detailed explanation of how the cited portions of Pogue disclose the elements of Applicants' claim 5 discussed above.

Claims 6-12 are patentably distinguishable over Pogue for similar reasons to those discussed above with regard to claim 5.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 5-12 as being anticipated by Pogue be withdrawn.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.


If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

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please charge any deficiency in fees or credit any overpayments to Deposit
Account No. 05-1323 (Docket #080437.49160).

Respectfully submitted,

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